



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15934 of 2017

JAYAPRAKASH

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
VEERACHOLAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CR NO. 56/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.BALAMURUGAN Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

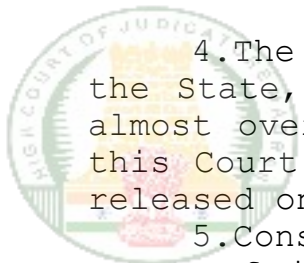
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 15.09.2017 for the alleged offences punishable under Sections 147, 148, 294(b), 341, 302 read with 120(b) of I.P.C., in Crime No.56 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant's husband was working as a Over Tank Operator of Veera Cholan Panchayat and also an office bearer of a political party. On 08.09.2017, at about 09.30 p.m., her husband received a phone call about the leakage of the overtank and he went to attend the repair work. At that time, she also followed her husband and found that due to previous enmity, A2 and the petitioner/A1 attacked her husband with knife and Aruval and other accused persons instigated them to murder her husband and in front of her, the deceased sustained grievous injuries and lost his life. On seeing this, she gave a complaint to the law enforcing agency. Based on the complaint, a case has been filed for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is A1 and being the friend of the other accused persons, he was falsely implicated in this case. Moreover, the petitioner has no specific overtact and he is no way connected with the crime and hence, he prays for bail.



4.The learned Government Advocate (Criminal side) appearing for the State, on instructions, would submit that the investigation is almost over and the Post Mortem Certificate was also filed before this Court. He further submitted that the co-accused A2 was already released on bail.

5.Considering the facts and circumstances of the case and the stage of investigation and also considering the fact that the co-accused was already released on bail, I am inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail, subject to the following certain conditions;

- (i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like-sum to the satisfaction of the learned Judicial Magistrate, Arupukkottai;
- (ii) the petitioner shall report before the respondent police, daily twice at 10.30 a.m., and at 05.30 p.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) On breach of any of the aforesaid conditions, the learned Magistrate/trial Court is entitled to take appropriate action against the petitioner in accordance with law and the bail granted stands cancelled automatically.

sd/-

29/11/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, ARUPUKKOTTAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE OFFICER IN CHARGE, DISTRICT JAIL, VIRUDHUNAGAR.
 - 4 THE SUB INSPECTOR OF POLICE,
VEERACHOLAN POLICE STATION, VIRUDHUNAGAR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.BALAMURUGAN Advocate SR.No.35313

ORDER IN

CRL OP(MD) No.15934 of 2017

Date :29/11/2017